

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

United States District Court  
Southern District of Texas  
FILED

JUL 31 2014

UNITED STATES OF AMERICA

David J. Bradley, Clerk

V.  
Luis Gerardo Najera

Principal

A076 804 784 YOB: 1981  
the United Mexican States

## CRIMINAL COMPLAINT

Case Number:  
**M-14-1471-M**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 30, 2014 in Starr County, in the Southern District of Texas defendants(s) did,

*(Track Statutory Language of Offense)*

knowing or in reckless disregard of the fact that Ivan Arias-Garcia, citizen of Honduras, and Paula Del Carmen Lizardo-Herrera, citizen of Honduras, and seven (7) other undocumented aliens, for a total of thirteen (13) who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport, by foot, said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 29, 2014 at approximately 11:15 pm, Border Patrol Agents, R. Morales, J. Prado, and J. Arechiga observed several subjects emerge from the brush in Rio Grande City, Texas. This area is approximately one half a mile north of the Rio Grande River. Undocumented aliens use this area due to its proximity to the streets of Rio Grande City. Agents Morales observed a group of approximately 13 subjects emerge from the brush and walk north towards Bluebonnet St in Rio Grande City.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint  Yes  No

*Agree + file,  
J. Conrow  
7-31-14*

Sworn to before me and subscribed in my presence,

July 31, 2014

Date

Peter E. Ormsby

Name and Title of Judicial Officer

, U. S. Magistrate Judge

Derek Conrow Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas  
City and State*Peter E. Ormsby*  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-14-1471-M**

**RE: Luis Gerardo Najera**

**A076 804 784**

**CONTINUATION:**

After seeing this, some agents positioned themselves north of the group, and some agents followed in behind the group. As the agents followed the sign left by the suspected undocumented aliens, they encountered two subjects running south from where they had last seen the group. Agents detained the two subjects, one of whom was identified as Luis Gerardo NAJERA. They were both wearing lifejackets. Both subjects admitted to being illegally in the United States. When support arrived, agents continued to follow the foot sign north and apprehended 9 additional subjects, all of whom admitted to being in the United States illegally. All subjects were transported to the Rio Grande City Border Patrol Station for processing.

Through interviews, agents identified two principles; Luis Gerardo NAJERA and Waldo ARGUETA-Cervantes. Waldo ARGUETA-Cervantes was not charged with alien smuggling due to being a juvenile.

**PRINCIPLE STATEMENT:**

Luis Gerardo NAJERA was read his rights at the station. He stated he was willing to provide a statement without the presence of an attorney.

Luis Gerardo Najera stated that he made arrangements with another foot guide smuggler known to him as Canio. Canio asked NAJERA to help him guide a group of 8 illegal aliens to a location in the United States. NAJERA stated he was going to be paid \$50 (USD) for each illegal alien he guided to a location he knows as The Drains, which are about three blocks away from the COD Auto Parts store. According to NAJERA, he was approximately 10 meters away from the drains, when Border Patrol Agents arrived, and apprehended he and Canio. NAJERA stated he has guided groups into the United States on at least 10 other occasions.

**MATERIAL WITNESS STATEMENTS:**

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Ivan Arias-Garcia stated he made smuggling arrangements with a subject known as "Mari" in Camargo, Tamaulipas, Mexico and agreed to pay \$3,100 (USD) to be smuggled into the United States. Arias stated that they were crossed into the United States by three guides. Arias told agents they ran for 15 minutes until they reached a canal with a drain. According to Arias, the guides also told them to be quiet and to follow them whenever they said so. Arias identified Luis Gerardo NAJERA in a photo lineup as one of the guides. Arias also identified NAJERA as having asked for the money, and the one giving instructions.

2- Paula Del Carmen Lizardo-Herrera stated she made arrangements with an unknown smuggler and was going to pay \$3,000 (USD) to be smuggled into the United States. Lizardo stated both of the guides asked for 20 Mexican pesos from the group. According to Lizardo, she ran for approximately 10 minutes before being apprehended by Border Patrol. Lizardo identified Luis Gerardo NAJERA in a photo lineup as one of the guides of the group she was arrested with.